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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,580	09/02/2004	Wojciech Doganowski	LHUD-03901-NUS	2859

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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

EXAMINER	
NOONAN, WILLOW W	

ART UNIT	PAPER NUMBER
2446	

NOTIFICATION DATE	DELIVERY MODE
12/10/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/506,580	DOGANOWSKI ET AL.	
	Examiner	Art Unit	
	Willow Noonan	2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *44-52,54-76 and 78-86* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44-52,54-76 and 78-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The instant application having Application No. 10/506,580 has a total of 41 claims pending in the application; there are 2 independent claims and 39 dependent claims, all of which are ready for examination by the examiner. There are 4 amended claims and 45 cancelled claims.

Response to Arguments

2. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 44-52, 54-76, and 78-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Benardeau** (U.S. Patent No. 6,904,522) in view of **Xydis** (U.S. Patent No. 6,763,315) and further in view of **Holmes** (U.S. Patent No. 3,944,977).

Regarding claims 44, 49, 52, 68, 73, and 76, Benardeau teaches a broadcast network access-management system comprising at least one master decoding device provided with a smart card. *See* Benardeau at fig. 4 (illustrating master device, 12, and

smart card, 30). Benardeau teaches at least one slave decoding device, a connection linking the master decoding device and the slave decoding device. *See* Benardeau at fig. 4 (50, 51). Benardeau teaches a transmitter device for generating and transmitting entitlement management messages intended for the master and slave decoding devices and the other devices. *See* Benardeau at col. 10, lines 14-23. Benardeau also teaches that the connection linking the master decoding device and the slave decoding device is continuously checked and the slave decoding device operates when the connection between the master decoding device and the slave decoding device remains unchanged or changes in allowable limits. *See* Benardeau at col. 16, lines 58-60 ("In all cases it is necessary to ensure a securised link between the decoder and recorder").

Benardeau does not teach that the connection linking the master decoding device and the slave decoding device is continuously checked regarding a level of a signal exchanged between the master decoding device and the at least one slave decoding device. However, Xydis teaches that the connection linking the master decoding device and the slave decoding device is continuously checked regarding a level of a signal exchanged between the master decoding device and the at least one slave decoding device compared with a predetermined threshold, and the at least one slave decoding device is allowed to operate based on comparison of the level of the signal exchanged between the master decoding device and the at least one slave decoding device with a predetermined threshold. *See* Xydis at col. 2, lines 10-27 ("The method characterized by determining an overall signal strength ... and comparing the overall signal strength to a predetermined threshold for enabling the second electronic

device in response to the overall signal strength being above the predetermined threshold"). It would have been obvious to one of ordinary skill to use Xydis' technique in Benardeau's system because Xydis teaches that the disclosed technique may prevent access to unauthorized users and to prevent information theft. *See id.* at col. 2, lines 28-36.

Modified Benardeau does not teach that the predetermined threshold is based on a level of a signal sent between the master decoding device and the at least one slave decoding device during preceding communication. However, Holmes teaches that it is well known to adaptively adjust a signal threshold based previous signal levels. *See* Holmes at col. 7, lines 58-66 ("it is possible to sample and average the reference signal and adjust the threshold level accordingly"). It would have been obvious to one of ordinary skill to use Holmes' technique with the teachings of modified Benardeau because Holmes teaches that the disclosed technique is useful for automatically accommodating for changes in a reference signal level. *See* Holmes at col. 7, lines 58-66 ("It will be appreciated by those skilled in the art that this characteristic has applicability outside the field of optical character recognition machines. More particularly, in any threshold detection system wherein a reference condition for the threshold varies in accordance with a predetermined pattern or in a random manner...").

Regarding claims 45 and 69, Benardeau teaches a decoding device is assigned a status of the master decoding device only after it has been linked to a network and an entitlement control message for the master decoding device has been found. *See*

Benardeau at col. 9, lines 52-67 (describing entitlement messages); Benardeau at col. 2, lines 52-60 (describing the role of the master).

Regarding claims 46 and 70, Benardeau teaches transmission of the entitlement control message appropriate for the master decoding device. *See* Benardeau at col. 9, lines 24-51.

Regarding claims 47, 48, 71, and 72, Benardeau teaches that the entitlement message contains control information for authenticating the slave devices. *See* Benardeau at col. 14, lines 55-59.

Regarding claims 50 and 74, Benardeau teaches that the slave decoding device triggers the master decoding device to transmit the entitlement control message appropriate for the slave decoding device and messages with demand for coupling. *See* Benardeau at col. 14, lines 51-59.

Regarding claims 51 and 75, Benardeau teaches that devices are periodically re-authenticated. *See* Benardeau at col. 9, lines 30-37.

Regarding claims 54, 56, 57, 78, and 80, Benardeau teaches that decoding devices are assigned the status of the master decoding device and the slave decoding device after transmission of encoded messages by the transmitter device generating and transmitting specified codes. *See* Benardeau at col. 2, lines 52-63.

Regarding claims 55 and 79, Benardeau teaches that the broadband network may be a cable network. *See* Benardeau at col. 7, lines 30-32 ("As used herein, the term "digital television system" includes for example any satellite, terrestrial, cable and other system").

Regarding claims 58-66, and 81- 85, Benardeau teaches that the messages exchanged between the master decoding device and the slave decoding devices are messages used to identify the master decoding device and the slave decoding devices, systems that are their component parts, or external devices linked to them. *See* Benardeau at col. 14, lines 55-65.

Regarding claim 67, Benardeau teaches the use of the TCP protocol for the communications between the master and slave devices. *See id.* at col. 8, lines 26-35.

5. Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Benardeau** in view of **Xydis**, further in view of **Holmes**, and further in view of **Aoyagi** (U.S. Patent App. Pub. No. 2002/0032761).

Regarding claim 86, modified Benardeau substantially teaches the invention of claim 44. Modified Benardeau does not teach monitoring for changes in cable length, configuration, or splitter configuration. However, Aoyagi teaches monitoring for network changes, including network topology and device configuration. *See* Aoyagi at p. 2, paragraph 18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Aoyagi's technique with the teachings of modified Benardeau because Aoyagi's teaches that the disclosed technique allows easy understanding of port-by-port connections of network devices. *See id.* at p. 1, paragraph 13.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571)270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. N./
Examiner, Art Unit 2446

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446